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In re Application of :
Fraser, et al. :
Application No.: 10/031,841 :
PCT No.: PCT/EP00/06921 :
Int. Filing Date: 20 July 2000 : DECISION
Priority Date: 22 July 1999 :
Attorney's Docket No.: KIN-004CPUS :
For: HUMAN HOMOLOGUE OF BOVINE :
NEUROENDOCRINE SECRETORY PROTEIN, NESP55,:
POLYNUCLEOTIDES AND USES THEREOF LINKED :
WITH OBESITY :

This application comes before the PCT Legal Office for matters arising under 35 U.S.C. 371.

BACKGROUND

On 20 July 2000, applicant filed international application PCT/EP00/06921 that claimed priority of an earlier British application filed 22 July 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 February 2001. A Demand for international preliminary examination, in which the United States was elected, was timely filed on 15 December 2000. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 22 January 2002.

On 22 January 2002, applicant filed a letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a copy of the international application and the basic national fee of \$890 as required by 35 U.S.C. 371(c). These papers were assigned application number 10/031,841.

On 04 February 2002, the United States Patent and Trademark Office in its capacity as an Elected Office mailed out a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/EO/EO905) indicating that applicant needed to provide an oath/declaration of noncompliance with 37 CFR 1.497(a) and (b).

In order to satisfy the requirements of 35 U.S.C. 371(c)(4), on 05 August 2002, applicants filed the following papers:

- 1) a Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) including
- 2) an executed declaration; and,
- 3) a request for a two-month extension of time along with the required fee.

DISCUSSION

37 CFR 1.821(e) states, in part:

"A copy of the "Sequence Listing" referred to in paragraph (c) of this section must also be submitted in computer readable form (CRF) in accordance with the requirements of § 1.824. The computer readable form must be a copy of the "Sequence Listing" and may not be retained as a part of the patent application file. If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference may be made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application if the computer readable form in the other application was compliant with all of the requirements of this subpart.

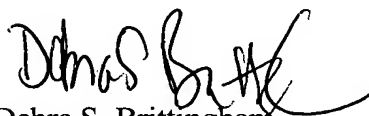
A review of the application file reveals that applicant failed to provide a computer readable form of the sequence listing. Therefore, a new "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/EO/EO905) will be mailed to applicant indicating that a computer readable form of the sequence listing is required.

CONCLUSION

A new "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/EO/EO905) will be prepared and mailed to applicant indicating that a computer readable form of the sequence listing is required.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C., 20231, with the contents of this letter marked to the attention of the PCT Legal Office.

Applicant is advised that, effective May 1, 2003, the Office is changing its correspondence address. Any further correspondence with respect to this matter deposited with the United States Postal Service on or after May 1, 2003 should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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